IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4194 of 2000

For Approval and Signature:

Hon'ble THE CHIEF JUSTICE MR. D.S.SINHA
and
Hon'ble MR.JUSTICE B.C.PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : YES

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

HARSHADBHAI J SHASTRI
Versus
DAKOR MUNICIPAL BOROUGH

Appearance:
1. Special Civil Application No. 4194 of 2000
MR SB VAKIL for Petitioner
MR MURALI N DEVNANI for Respondent Nos. 1 & 2
RULE NOT RECD BACK for Respondent No. 2
MS. HARSHA DEVANI, AGP for Respondent No. 3

CORAM : THE CHIEF JUSTICE MR. D.S.SINHA
and
MR.JUSTICE B.C.PATEL

Date of decision: 08/04/2002

ORAL JUDGEMENT

(Per : THE CHIEF JUSTICE MR. D.S.SINHA)

#. Heard Mr. S.B. Vakil, the learned Senior Counsel appearing for the petitioner, Mr. Murali N. Devnani, the learned counsel for the Respondent Nos. 1 & 2, and Ms. Harsha Devani, the learned Assistant Government Pleader for the Respondent No.3.

#. The petitioner challenges the Javak No.39, dated 18th April, 2000, of the Chief Officer of the Dakor Municipal Borough directing the petitioner to remove by 24th April, 2000, all the advertisement-boards placed by him within the Municipal Borough area on the ground that the contract given to him for the period between 20th October, 1999 and 19th October, 2002 under the signature and certificate of the President had been suspended by the order dated 11th April, 2000 passed by the District Collector, Kheda in an appeal filed by one Rajendrabhai Dahyabhai Patel against the respondents herein.

#. It is not in dispute that to the appeal filed by Mr. Rajendrabhai Dahyabhai Patel which culminated into the order of the Collector dated 11th April, 2000, the petitioner was not impleaded as a party. It is also not in dispute that the petitioner was given absolutely no opportunity by the Collector and also by the Chief Officer of Dakor Municipal Borough before passing the impugned orders. Further, it is not in dispute that by the order dated 11th April, 2000 passed by the Collector and the consequential order dated 18th April, 2000 passed by the Chief Officer of the Dakor Municipal Borough, the petitioner has been seriously prejudiced inasmuch as the contract granted to him was suspended by the impugned order.

#. The impugned orders dated 11th April, 2000 and 18th April, 2000, having been passed in violation of the principles of natural justice are void, and must perish.

#. In the result, the petition succeeds, and is allowed. The impugned orders dated 11th April, 2000 and 18th April, 2000 are quashed. The matter is remitted to the Collector for deciding the controversy afresh by a reasoned order, after affording due opportunity to the petitioner, within a period of three weeks, to be computed from the date of communication of the order to him. The learned counsel appearing for the Respondent No. 3 undertakes to communicate this order to the Collector within a week. Rule is made absolute. There

is no order as to costs.

[D.S. SINHA, C.J.]

[B.C. PATEL, J.]

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